

REMARKS

With this Amendment, claims 1, 15 and 26 have been amended to further clarify the invention. Claim 25 has been cancelled. No new matter has been added. Thus, claims 1-5, 7-19, 23-24 and 26 remain pending in the present application. It is submitted that, in view of the above-noted amendments and the following remarks, all of the presently pending claims are in condition for allowance.

Claims 1-5, 7-19, 23-24 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Daly (U.S. Published Appln. No. 2004/0186444) in view of Twyman (U.S. Patent No. 2,755,060). Applicants respectfully traverse this rejection.

Amended claim 1 recites a valve apparatus comprising a "first flexible disk including a plurality of first movable elements formed on opposite sides of at least one first slit extending through the first flexible disk, *wherein a size and configuration of the first slit is selected to provide desired opening and closing characteristics of the moveable elements.*"

As the Examiner states, Daly fails to disclose the inclusion of biasing members coupled to the valves in order to further bias the valves in the closed position. The Examiner cited Twyman to overcome this deficiency.

The Examiner states that Twyman discloses a "first flexible disk including a plurality of first movable elements formed on opposite sides of at least one first slit extending through the first flexible disk, *wherein a size and configuration of the first slit is selected to provide desired opening and closing characteristics of the moveable elements,*" as is recited in claim 1. No where in Twyman, however, is this element disclosed. The Office Action does not cite anywhere in Twyman where this element is disclosed.

It is therefore respectfully submitted that both Daly and Twyman, taken alone or in combination, fail to disclose each and every element of currently pending claim 1. It is therefore respectfully submitted that claim 1 is in condition for allowance. Because claims 2-5 and 7-14 depend from and therefore include all of the limitations of claim 1, it is respectfully

submitted that these claims are also allowable.

Claims 15-19, 23-24 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith (U.S. Patent No. 4,244,379) in view of Twyman and further in view of Jones (U.S. Patent No. 2,720,881). Applicants respectfully traverse this rejection.

Claim 15 has been amended and recites elements similar to claim 1, including a dialysis connector comprising a “plurality of movable elements formed on opposite sides of a first slit extending through the flexible disk, wherein a size and configuration of the first slit is selected to provide desired opening and closing characteristics of the moveable elements.”

No where in Smith is the above element disclosed. The Office Action does not point to a particular section of Smith that discloses this element. Furthermore, Twyman and Jones fail to correct this deficiency. It is therefore respectfully submitted that claim 15 is allowable over Smith, Twyman and Jones. Because claims 16-19, 23-24 and 26 depend from and therefore include all of the limitations of claim 15, it is respectfully submitted that these claims are also allowable.

Claim 26 also recites elements similar to claims 1 and 15, including a flow shutoff device comprising “a slit extending through the disk, wherein a size and configuration of the slit is selected to provide desired opening and closing characteristics of the moveable elements.” It is therefore respectfully submitted that claim 26 is allowable over Daly, Twyman and Smith for the same reasons as noted above.

As a result, all of the elements of the claims are not found in the publications cited by the Examiner, and a *prima facie* case of obviousness has not been set forth for the currently pending claims.

In view of the foregoing, the Examiner's rejections under 35 U.S.C. § 103(a) of the claims are believed to be overcome. It is, therefore, respectfully requested that the Examiner withdraw these rejections.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is respectfully requested.

In the event that there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would contact the undersigned attorney by telephone at (202) 373-6000 so that prosecution of the application may be expedited.

The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-4047 (7062172001).

Respectfully submitted,

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